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March 16, 2016

VIA OVERNIGHT MAIL

Eric Schaaf, Esq.
Regional Counsel
United States Environmental
Protection Agency
Region II
290 Broadway
New York, NY 10007-1865

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MAR 16 2016

Re: Pending *de minimis* Application

Dear Mr. Schaaf:

We submitted an application for *de minimis* status for 10 PRPs involved in the Diamond Alkali Superfund Site (the "G-10")¹ on March 10, 2015. As part of that application, we offered to meet with regional staff to discuss a sensible approach to resolving our application. On March 20, you replied: "[i]t is EPA's view that the issuance of a Record of Decision (ROD) for the lower eight miles of the LPRSA . . . will present a time for discussions regarding potential *de minimis* and *de micromis* settlements." (Letter from Regional Counsel Eric Schaaf to Daniel Riesel, dated March 20, 2015). Assistant Regional Counsel Sarah Flanagan's letter to William H. Hyatt, Jr., Esq. of October 30, 2015, which was copied to the undersigned and others, expressed a similar point.

Now that EPA has issued the ROD, we would like to meet to discuss settlement as soon as practicable, particularly in light of: (1) the Region's statutory obligation to consider and process *de-minimis* applications as soon as practicable, and (2) the need to create a *de minimis* process consistent with EPA's *de minimis* policy and CERCLA's mandate. Such a process would necessarily recognize that parties satisfying EPA's *de minimis* criteria should not be painted with the same brush as parties that are responsible for the risk that is driving EPA's selected remedy. The G-10 parties have provided EPA with information concerning their *de minimis* status and are offering to cooperate in good faith with EPA by engaging in discussions about a resolution of their potential responsibilities consistent with their *de minimis* role.

Each of the G-10 companies is prepared to demonstrate to EPA that any releases from their facilities are not driving the risk to human health and the environment identified in the ROD and did not contribute to the contaminants of concern driving the cost of the selected remedy for the

¹ The G-10 members are CBS Corp., Coats & Clark, Inc., Croda Inc., Franklin-Burlington Plastics Inc., General Electric Company, Goodrich Corp., Otis Elevator Co., Pfizer Inc., Tate & Lyle Ingredients Americas LLC, and Wyeth LLC.

Lower Passaic River.

The G-10 companies are prepared to cooperate with EPA in the development of an appropriate *de minimis* settlement process and look forward to meeting with EPA as soon as practicable to define and implement a process for bringing such a settlement to fruition. This request for a meeting and offer of cooperation is made with each member of the G-10 fully reserving all rights to contest any liability under CERCLA and all other available defenses. We look forward to working with EPA to resolve this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Daniel Riesel". The signature is fluid and cursive, with the first name "Daniel" being more prominent than the last name "Riesel".

Daniel Riesel

CC: Sarah Flanagan, Esq.